

State of Hawaii
Department of Human Services
Benefit, Employment & Support Services Division
Employment/Child Care Program Office

Request for Proposals

RFP No. HMS 305-05-02-O

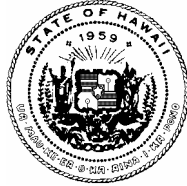
**Oahu Child Care Background Check
Services**

June 20, 2005

Date Due: July 12, 2005

Note: If this RFP was downloaded from the State Procurement Office RFP Website each applicant must provide contact information to the RFP contact person for this RFP to be notified of any changes. For your convenience, an [RFP Interest form](#) may be downloaded to your computer, completed and e-mailed or mailed to the RFP contact person. The State shall not be responsible for any missing addenda, attachments or other information regarding the RFP if a proposal is submitted from an incomplete RFP.

LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER, ESQ.
DIRECTOR

HENRY OLIVA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P.O. Box 339
Honolulu, Hawaii 96809-0339

June 20, 2005

MEMORANDUM

To: All Interested Applicants

From: Lillian B. Koller, Esq., Director

SUBJECT: **OAHU CHILD CARE BACKGROUND CHECK SERVICES
Request for Proposals (RFP) HMS-305-05-02-O**

The Department of Human Services (DHS), Benefit, Employment and Support Services Division (BESSD), Employment & Child Care Program Office (E/CCPO), requests proposals from qualified applicants to conduct criminal history and child abuse/neglect background checks of license-exempt providers who seek approval to receive child care subsidies from the DHS. Primary services include fingerprinting and initial screening using the DHS electronic systems to determine whether the individuals have criminal convictions or a history of child abuse or neglect. When there are "hits", the DHS social work staff will then determine whether the individual is suitable to provide child care, or poses a risk to children in care.

The contract term will be from August 1, 2005 through June 30, 2006. The State, at its option, may extend this Agreement in writing, for four (4) additional twelve month periods, not to exceed June 30, 2010. The DHS will award one contract under this RFP.

The RFP provides information to assist applicants in the preparation of proposals and a budget, including: (1) a description of the services sought; (2) the requirements to be met by the provider; (3) the criteria by which qualifying proposals shall be reviewed/rated; and (4) the criteria for monitoring/evaluating the services. Proposals shall be mailed and postmarked by the United State Postal Service on or before **July 12, 2005** or hand delivered (including courier mail) no later than 4:30 p.m., Hawaii Standard Time (HST), on **July 12, 2005**, to DHS E/CCPO at 820 Mililani Street, #606, Honolulu, HI 96813. All mail-ins postmarked after 12:00 midnight July 12, 2005 or hand delivered after the July 12, 2005 deadline will not be accepted.

The BESSD program staff will conduct an orientation to review the RFP requirements on **June 27, 2005 from 9:00 a.m. to 11:00 a.m.** HST, at 820 Mililani Street, #606, Honolulu, Hawaii. All prospective applicants are encouraged to attend the orientation. Inquiries regarding this RFP should be directed to the RFP contact person, Ethel Fleming, at 820 Mililani Street, #606, Honolulu, Hawaii 96813, telephone: (808) 586-0978, fax: (808) 586-5744, or e-mail: efleming@dhs.hawaii.gov.

PROPOSAL MAIL-IN AND DELIVERY INFORMATION SHEET

ONE ORIGINAL AND FOUR (4) COPIES OF THE PROPOSAL ARE REQUIRED.

**ALL MAIL-INS MUST BE POSTMARKED BY UNITED STATES POSTAL SERVICE (USPS)
NO LATER THAN
July 12, 2005**

All Mail-ins

Department of Human Services
Benefit, Employment & Support Services Division
Employment & Child Care Program Office
820 Mililani Street, Suite 606
Honolulu, Hawaii 96813

DHS RFP COORDINATOR

Ethel Fleming
For further info. or inquiries

Phone: 586-0978
Fax: 586-5744

**ALL HAND DELIVERIES WILL BE ACCEPTED AT THE FOLLOWING SITE UNTIL 4:30 P.M., Hawaii
Standard Time (HST) July 12, 2005.**

Drop-off Site

Oahu:

Department of Human Services
Benefit, Employment & Support Services Division
Employment & Child Care Program Office
820 Mililani Street, Suite 606
Honolulu, Hawaii 96813

BE ADVISED: Mail-ins postmarked by USPS after **midnight July 12, 2005**, will be rejected.
Hand deliveries will **not** be accepted after **4:30 p.m., HST, July 12, 2005**.
Deliveries by private mail services such as FEDEX shall be considered hand deliveries and will not be accepted if received after **4:30 p.m., HST, July 12, 2005**.

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Section 1

Administrative Overview

Section 1

Administrative Overview

Applicants are encouraged to read each section of the RFP thoroughly. While sections such as the administrative overview may appear similar among RFPs, state purchasing agencies may add additional information as applicable. It is the responsibility of the applicant to understand the requirements of *each* RFP.

I. Authority

This RFP is issued under the provisions of the Hawaii Revised Statutes (HRS), Chapter 103F and its administrative rules. All prospective applicants are charged with presumptive knowledge of all requirements of the cited authorities. Submission of a valid executed proposal by any prospective applicant shall constitute admission of such knowledge on the part of such prospective applicant.

II. RFP Organization

This RFP is organized into five sections:

Section 1, Administrative Overview--Provides applicants with an overview of the procurement process.

Section 2, Service Specifications--Provides applicants with a general description of the tasks to be performed, delineates applicant responsibilities, and defines deliverables (as applicable).

Section 3, Proposal Application Instructions--Describes the required format and content for the proposal application.

Section 4, Proposal Evaluation--Describes how proposals will be evaluated by the state purchasing agency.

Section 5, Attachments --Provides applicants with information and forms necessary to complete the application.

III. Contracting Office

The Contracting Office is responsible for overseeing the contract(s) resulting from this RFP, including system operations, fiscal agent operations, and monitoring and assessing provider performance. The Contracting Office is:

Department of Human Services, State of Hawaii
 Benefit, Employment & Support Services Division
 820 Mililani Street, Suite 606
 Honolulu, Hawaii 96813
 Phone (808) 586-0978 Fax: (808) 586-5744

IV. Procurement Timetable

Note that the procurement timetable represents the State's best estimated schedule. Contract start dates may be subject to the issuance of a notice to proceed.

Activity	Scheduled Date
Public notice announcing RFP	06/19/05
Distribution of RFP	06/20/05
RFP orientation session	06/27/05
Closing date for submission of written questions for written responses	06/30/05
State purchasing agency's response to applicants' written questions	07/05/05
Proposal submittal deadline	07/12/05
Proposal evaluation period	07/13/05- 07/20/05
Provider selection	07/20/05
Notice of statement of findings and decision	07/20/05- 07/22/05
Contract start date	08/01/05

V. Orientation

An orientation for applicants in reference to the request for proposals will be held as follows:

Date: June 27, 2005 **Time:** 9:00 A.M. to 11:00 A.M. HST
Location: Haseko Center, 820 Mililani Street, BESSD Administration Office,
 Suite 606, Conference Room #1, Honolulu, Hawaii

Applicants are encouraged to submit written questions prior to the orientation. Impromptu questions will be permitted at the orientation and spontaneous answers provided at the state purchasing agency's discretion. However, answers provided at the orientation are only intended as general direction and may not represent the state purchasing agency's position. Formal official responses will be provided in writing. To ensure a written response, any oral questions should be submitted in writing following the close of the orientation, but no later than the submittal deadline for written questions indicated in the next paragraph (VI. Submission of Questions).

VI. Submission of Questions

Applicants may submit questions to the RFP Contact Person identified in Section 2 of this RFP. All written questions will receive a written response from the state purchasing agency.

Deadline for submission of written questions:

Date: June 30, 2005 **Time:** 4:30 P.M. HST

State agency responses to applicant written questions will be provided by:

Date: July 05, 2005

VII. Submission of Proposals

- A. Forms/Formats** - Forms, with the exception of program specific requirements, may be found on the State Procurement Office website at: www.spo.hawaii.gov, click *Procurement of Health and Human Services* and *For Private Providers*. Refer to the Proposal Application Checklist for the location of program specific forms.
1. **Proposal Application Identification (Form SPO-H-200)** - Provides identification of the proposal.
 2. **Proposal Application Checklist** – Provides applicants with information on where to obtain the required forms; information on program specific requirements; which forms are required and the order in which all components should be assembled and submitted to the state purchasing agency.
 3. **Table of Contents** - A sample table of contents for proposals is located in Section 5, Attachments. This is a sample and meant as a guide. The table of contents may vary depending on the RFP.
 4. **Proposal Application (Form SPO-H-200A)** - Applicants shall submit comprehensive narratives that address all of the issues contained in the Proposal Application Instructions, including a cost proposal/budget if required. (Refer to Section 3 of this RFP.)
 5. **Registration Form (SPO-H-100A)** – If applicants are not registered with the State Procurement Office (business status), this form must be submitted with the application. If applicants are unsure as to their registration status, they may check the State Procurement Office website at: <http://www.spo.hawaii.gov>, click *Procurement of Health and Human Services*, and *For Private Providers* and *Provider Lists...The List of Registered Private Providers for Use with the Competitive Method of Procurement* or call the State Procurement Office at (808) 587-4706.

6. **Tax Clearance(Form A-6)** – A certified copy of a current valid tax clearance certificate issued by the State of Hawaii, Department of Taxation (DOTAX) and the Internal Revenue Service (IRS) will be required either at the time of proposal submittal, or upon notice of award at the discretion of the purchasing agency.

Refer to Section 4, item III.A.1, Administrative Requirements, and the Proposal Application Checklist to see if the tax clearance certificate is required at the time of proposal submittal. The Tax Clearance Application (Form A-6) may be obtained from the Department of Taxation website at www.hawaii.gov/tax/tax.html.

- B. Program Specific Requirements** - Additional program specific requirements are included in Sections 2 and/or 3, Service Specifications and the Proposal Application Instructions, as applicable. If Federal and/or State certifications are required, they are listed on the Proposal Application Checklist.
- C. Multiple or Alternate Proposals** - Multiple or alternate proposals shall not be accepted unless specifically provided for in Section 2 of this RFP. In the event alternate proposals are **not** accepted and an applicant submits alternate proposals, but clearly indicates a primary proposal, it shall be considered for award as though it were the only proposal submitted by the applicant.
- D. Proposal Submittal** - Proposals must be postmarked by USPS or hand-delivered by the date and time designated on the Proposal Mail-In and Delivery Information Sheet attached to this RFP. Any proposal postmarked or received after the designated date and time shall be rejected. Note that postmarks must be by United States Postal Service or they will be considered hand-delivered and shall be rejected if late. The number of copies required is located on the Proposal Mail-In and Delivery Information Sheet. Proposals submitted by telefacsimile transmissions, electronic mail, website, or on computer diskettes/cd are not permitted.
- E. Wages and Labor Law Compliance** - Before a provider enters into a service contract in excess of \$25,000, the provider shall certify that it complies with section 103-55, HRS, Wages, hours, and working conditions of employees of contractors performing services. Section 103-55, HRS may be obtained from the Hawaii State Legislature website at <http://www.capitol.hawaii.gov/>. Or go directly to:
http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0103/HRS_0103-0055.htm
- F. Confidential Information** – If an applicant believes any portion of a proposal contains information that should be withheld as confidential, the applicant shall request in writing nondisclosure of designated proprietary data to be confidential, and provide justification to support confidentiality. Such data

shall accompany the proposal, be clearly marked, and shall be readily separable from the proposal to facilitate eventual public inspection of the non-confidential sections of the proposal.

Note that price is not considered confidential and will not be withheld.

VIII. Discussions with Applicants

- A. Prior to Submittal Deadline.** Discussions may be conducted with potential applicants to promote understanding of the purchasing agency's requirements.
- B. After Proposal Submittal Deadline -** Discussions may be conducted with applicants whose proposals are determined to be reasonably susceptible of being selected for award, but proposals may be accepted without discussions, in accordance with section 3-143-403, HAR.

IX. Opening of Proposals

Upon receipt of proposals by a state purchasing agency at a designated location, proposals, modifications to proposals, and withdrawals of proposals shall be date-stamped, and when possible, time-stamped. All documents so received shall be held in a secure place by the state purchasing agency and not examined for evaluation purposes until the submittal deadline.

Procurement files shall be open to public inspection after a contract has been awarded and executed by all parties.

X. Additional Materials and Documentation

Upon request from the state purchasing agency, each applicant shall submit any additional materials and documentation reasonably required by the state purchasing agency in its evaluation of the proposals.

XI. RFP Amendments

The State reserves the right to amend this RFP at any time prior to the closing date for the final revised proposals.

XII. Final Revised Proposals

The applicant's final revised proposal, *as applicable* to this RFP, must be postmarked or hand delivered by the date and time specified by the state purchasing agency. Any final revised proposal post-marked or received after the designated date and time shall be rejected. If a final revised proposal is not submitted, the previous submittal shall be construed as their best and final offer/proposal. *The applicant shall submit-only*

the section(s) of the proposal that are amended, along with the Proposal Application Identification Form (SPO-H-200). After final revised proposals are received, final evaluations will be conducted for an award.

XIII. Cancellation of Request for Proposal

The request for proposal may be canceled and any or all proposals may be rejected in whole or in part, when it is determined to be in the best interests of the State.

XIV. Costs for Proposal Preparation

Any costs incurred by applicants in preparing or submitting a proposal are the applicants' sole responsibility.

XV. Provider Participation in Planning

Provider participation in a state purchasing agency's efforts to plan for or to purchase health and human services prior to the state purchasing agency's release of a request for proposals, including the sharing of information on community needs, best practices, and providers' resources, shall not disqualify providers from submitting proposals if conducted in accordance with sections 3-142-202, 3-142-203 and 3-143-618 of the Hawaii Administrative Rules for Chapter 103F, HRS.

XVI. Rejection of Proposals

The State reserves the right to consider as acceptable only those proposals submitted in accordance with all requirements set forth in this RFP and which demonstrate an understanding of the problems involved and comply with the service specifications. Any proposal offering any other set of terms and conditions contradictory to those included in this RFP may be rejected without further notice.

A proposal may be automatically rejected for any one or more of the following reasons: (Relevant sections of the Hawaii Administrative Rules for Chapter 103F, HRS, are parenthesized)

- (1) Rejection for failure to cooperate or deal in good faith. (Section 3-141-201, HAR)
- (2) Rejection for inadequate accounting system. (Section 3-141-202, HAR)
- (3) Late proposals (Section 3-143-603, HAR)
- (4) Inadequate response to request for proposals (Section 3-143-609, HAR)
- (5) Proposal not responsive (Section 3-143-610 (1), HAR)
- (6) Applicant not responsible (Section 3-143-610 (2), HAR)

XVII. Notice of Award

A statement of findings and decision shall be provided to all applicants by mail upon completion of the evaluation of competitive purchase of service proposals.

Any agreement arising out of this solicitation is subject to the approval of the Department of the Attorney General as to form, and to all further approvals, including the approval of the Governor, required by statute, regulation, rule, order or other directive.

No work is to be undertaken by the awardee prior to the contract commencement date. The State of Hawaii is not liable for any costs incurred prior to the official starting date.

XVIII. Protests

Any applicant may file a protest against the awarding of the contract. The Notice of Protest form, SPO-H-801, is available on the SPO website (see the Proposal Application Checklist in Section 5 of this RFP.) Only the following matters may be protested:

- (1) A state purchasing agency's failure to follow procedures established by Chapter 103F of the Hawaii Revised Statutes;
- (2) A state purchasing agency's failure to follow any rule established by Chapter 103F of the Hawaii Revised Statutes; and
- (3) A state purchasing agency's failure to follow any procedure, requirement, or evaluation criterion in a request for proposals issued by the state purchasing agency.

The Notice of Protest shall be mailed by USPS or hand delivered to the head of the state purchasing agency conducting the protested procurement and the procurement officer who is conducting the procurement (as indicated below) within five working days of the postmark of the Notice of Findings and Decision sent to the protestor. Delivery services other than USPS shall be considered hand deliveries and considered submitted on the date of actual receipt by the state purchasing agency.

Head of State Purchasing Agency	Procurement Officer
Name: Lillian B Koller, Esq.	Name: Edwin Igarashi
Title: Director	Title: Fiscal Management Officer
Mailing Address: P.O. Box 339 Honolulu, HI 96809-0339	Mailing Address: P.O. Box 339 Honolulu, HI 96809-0339
Business Address: 1390 Miller Street Honolulu, HI 96813	Business Address: 1390 Miller Street Honolulu, HI 96813

XIX. Availability of Funds

The award of a contract and any allowed renewal or extension thereof, is subject to allotments made by the Director of Finance, State of Hawaii, pursuant to Chapter 37, HRS, and subject to the availability of State and/or Federal funds.

XX. Monitoring and Evaluation

The criteria by which the performance of the contract will be monitored and evaluated are:

- (1) Performance/Outcome Measures
- (2) Output Measures
- (3) Quality of Care/Quality of Services
- (4) Financial Management
- (5) Administrative Requirements

XXI. General and Special Conditions of Contract

The General Conditions that will be incorporated in the contract are on the SPO website. (See Section 5, Proposal Application Checklist, for the address.) Special Conditions may also be imposed contractually by the state purchasing agency, as deemed necessary.

XXII. Cost Principles

In order to promote uniform purchasing practices among state purchasing agencies procuring health and human services under Chapter 103F, HRS, state purchasing agencies will utilize standard cost principles outlined in Form SPO-H-201 which is available on the SPO website (see Section 5, Proposal Application Checklist.) Nothing in this section shall be construed to create an exemption from any cost principle arising under federal law.

Section 2

Service Specifications

Section 2

Service Specifications

I. Introduction

A. Overview, purpose or need

The mission of the Department of Human Services (DHS) is to provide high quality, efficient, and effective services designed towards achieving self-sufficiency for clients as quickly as possible and to direct our limited resources toward helping those least able to care for themselves.

The DHS is the State's lead agency for the federal Child Care and Development Fund. The purpose of this grant is to increase the availability, affordability, and quality of early childhood and care programs. The purpose of this RFP is to contract with an organization to conduct background checks of DHS child care license-exempt providers for clients desiring a child care subsidy. The reference for the required background checks is contained in Hawaii Administrative Rules, Chapter 17-798.1-9(c).

A survey of five Oahu DHS units that have the fingerprint machines revealed that the monthly number of requests for background checks received among them totaled approximately 400. At the beginning of the DOE school year, the number of clearance requests will increase from the DOE A+ and their A+ sub-contracted child care providers such as, but not limited to, the YMCA and Kama'aina Kids. There are approximately 1,000 Oahu A+ employees.

By contracting out the services, DHS staff will be able to concentrate on their primary functions in the units, and shorten the interval time between the request and the final results of the background checks in order to more quickly authorize clients' child care benefits. The objective is to complete the background check process per referred individual within 30 days.

B. Description of the goal(s) of the service

The **goal** of this service is to enable qualified parents who are employed, attending school, or enrolled in a job training program to continue in their "activity" so that they may be able to achieve the goal of economic self-sufficiency without worrying about the basic safety of their children in substitute care while they are occupied in their approved activities. Criminal and child abuse history background checks of license-exempt child care providers help assure parents that their selected child care providers do not pose a risk of harm to the children in care.

The **objective** of the services is to complete the background checks within 30 days after referrals of the required individuals.

C. Description of the target population to be served

Individuals who are required to undergo the criminal and child abuse history background checks include those Oahu license-exempt child care providers and adult household/group child care center staff members selected by DHS clients to be their child care providers. They are referred from the Oahu DHS Income Maintenance Units, the Department of Education's (DOE) Oahu A+ programs, and the Department of Health's (DOH) Inclusion Project (Oahu providers). Oahu families who receive DHS child protective services and have a child care need ordered by the Court are also required to refer their providers for the background check services. When cleared through the background check process, these Oahu providers are eligible for a DHS child care subsidy to help meet the clients' child care needs.

Background check services provided to the First-to-Work (FTW) population will be done by DHS and are restricted to those clients that are serviced by their assigned FTW offices on Oahu.

D. Geographic coverage of service

Services shall be delivered on Oahu in the following DHS Units:

- * CCCH I Unit, 677 Queen St., Rm. 400A, Honolulu, HI 96813
- * CCCH II Unit, Waipahu Civic Center, 94-275 Mokuloa St, Rm 203, Waipahu, HI 96797
- * Kailua FTW Unit, 354 Uluniu St, Rm 401, Kailua, HI 96734 96797
- * Wahiawa FTW Unit, 1008 California Ave., Bldg. B, Wahiawa, HI 96786
- * Waianae FTW Unit, 601 Kamokila Blvd., Rm. 138, Kapolei, HI 96707

E. Probable funding amounts, source, and period of availability

A maximum amount of \$140,000 in total Federal funding is allocated for the initial contract period August 1, 2005 – June 30, 2006. The State, at its option, may extend this Agreement in writing, for four (4) additional twelve month periods or parts thereof, not to exceed a total of forty-eight (48) additional months of services up to and including June 30, 2010, upon mutual agreement in writing, subject to increase or decrease per State fiscal year depending on community need, the appropriation and availability of funding to DHS, and the State's determination of satisfactory provider performance, or unless the Agreement is terminated. The option to extend the services will be offered in writing by the Department.

II. General Requirements

A. Specific qualifications or requirements, including but not limited to licensure or accreditation

1. The applicant must not have a conflict of interest with respect to the delivery of these services, such as being a current provider of child care services for the DOE A+ or DOH inclusion programs. The applicant shall ensure that the appropriate staff is available to be rotated among the service sites during the normal hours of State operations at each site. All employees are held to a strict confidentiality of information policy.
2. The applicant shall comply with the Chapter 103F, HRS Cost Principles for Purchases of Health and Human Services identified in SPO-H-201 (effective 10/1/98), which can be found in the POS Manual.

B. Secondary purchaser participation (Refer to §3-143-608, HAR)

After-the-fact secondary purchases will be allowed.

Planned secondary purchases

None.

C. Multiple or alternate proposals (Refer to §3-143-605, HAR)

☐ Allowed ☒ Unallowed

D. Single or multiple contracts to be awarded (Refer to §3-143-206, HAR)

☒ Single ☐ Multiple ☐ Single & Multiple

Criteria for multiple awards:

E. Single or multi-term contracts to be awarded (Refer to §3-149-302, HAR)

☐ Single term (≤ 2 yrs) ☒ Multi-term (> 2 yrs.)

Contract terms:

Initial term of contract: eleven (11) months

Length of each extension: twelve (12) months

Number of possible extensions: four (4)

Maximum length of contract: five (5) years

The initial period shall commence on the contract start date or “Notice to Proceed”, whichever is later.

Conditions for extension: The contract for the proposed services may be extended without the necessity of re-bidding, subject to appropriation and availability of funds to DHS, community need, and the State’s determination of satisfactory provider performance, or unless this Agreement is terminated. The option to extend the services will be offered in writing by the Department, at least sixty (60) days prior to expiration of the contract. No supplementary agreement shall be binding upon the Department until the agreement has been fully and properly executed by all parties thereto prior to the start date of agreement. The provider shall not provide any services until the agreement is fully and properly executed.

F. RFP contact person

The individual listed below is the sole point of contact from the date of release of this RFP until the selection of the successful provider or providers. Written questions should be submitted to the RFP contact person and received on or before the day and time specified in Section I, Item IV (Procurement Timetable) of this RFP. Contact Ethel Fleming at 586-0978.

III. Scope of Work

The scope of work encompasses the following tasks and responsibilities:

A. Service Activities

(Minimum and/or mandatory tasks and responsibilities)

1. Recruit, hire, guide and supervise staff who will co-locate with DHS staff in the DHS fingerprint office sites listed in Section I. D. of this RFP.
2. Coordinate and collaborate on a working partnership with specified DHS Income Maintenance Units, the DOE A+ program, and the DOH Inclusion program for the purpose of referrals of individuals seeking to become license-exempt child care providers who require background checks to be eligible for child care subsidies.

3. Be trained by State staff to access electronic systems through DHS networked terminals.
4. Schedule the targeted individuals to be fingerprinted at the designated DHS offices, log visits, review forms for completeness, accept cashier's check or money order payment for FBI clearance (except for A+ program employees whose fee is billed to DOE by HCJDC), give receipts, roll the fingerprints, transmit, receive, and read the fingerprint results of the Federal Bureau of Investigations (FBI) background check;
5. Perform the initial as well as the annual criminal history (CJIS records check for convictions only) and child protective services system (CPSS) inquiries within 30 days of the referrals to discover if the individual has a record, or "hit";
6. Refer "hits" to DHS social workers in the respective units who shall retain the responsibility to determine the suitability of the individual(s) who have "hits" to provide child care;
7. Enter and maintain the individuals' information via the State of Hawaii electronic data systems, including interface with the DOE A+ employee information system, and inform the referring unit and State agency of the completion of the background checks for the individuals seeking to be child care providers, and "no-shows" for the appointments;
8. Inform the contract manager of the DOE A+ program located in the Employment/Child Care Program Office of all A+ program employees found to pose a risk to children in care;
9. Establish file folders and process paperwork for these individuals who have had referrals for the background checks;
10. Refer inquiring individuals who have been denied approval as a child care provider to the social worker who made the determination of "unsuitability";
11. Maintain a data system for monthly statistical reporting of the numbers of individuals referred from the various identified units and programs, numbers of fingerprinting and background checks completed by geographic office location, and numbers of "hits", and provide such data as requested by DHS;

These services help to determine whether child care providers who lack DHS child care licenses can be approved to participate in the DHS child care subsidy program. The child care background checks are completed in

accordance with DHS regulations set forth in Hawaii Administrative Rules, Title 17, Chapters 17-891.1-3, 17-892.1-3, 17-895-3 and 17-896-3.

The services shall be available during normal State of Hawaii office hours and days of operation, Monday through Friday, 7:45 a.m. – 4:30 p.m., except on State holidays.

B. Management Requirements (Minimum and/or mandatory requirements)

1. Personnel

The type of work to be performed by the staff could be done by the equivalent of a clerical staff position. With approximately 400 individuals to be processed monthly for background checks, four staff are projected to be adequate to perform the functions for Oahu.

The organization selected to provide the services shall recruit, hire, guide and supervise the necessary staff to operate the project. Staff may need to rotate among the sites, based on DHS need. While there are five fingerprinting sites, the Waianae site, for example, is presently available to the target population three days a week since the Social Services Division uses the terminal twice weekly, but it has the greatest number (170) of individuals needing the background checks. The availability of that terminal to this contract may be adjusted. The Kailua site has approximately 150 individuals monthly. Another office may only have 30 referrals a month. The average approximate time to input the individuals' information into the DHS electronic system is 15 minutes, and to complete a background check is 15-30 minutes. The organization must detail a plan to staff the five sites.

The State shall provide training on receiving payments and providing receipts, entering information into the DHS electronic systems, searching individuals' backgrounds using the DHS electronic systems, reporting results to respective units and social workers, referring "hits" to the DHS social workers, and preparing case folders.

2. Administrative

The organization selected to provide the services, upon request of the State, shall meet with representatives of the State to discuss the progress of the project. The purpose of these visits will be to observe the program operations and examine record keeping procedures.

The organization selected to provide the services shall be responsible to ensure appropriate staffing at all times during normal State operating hours.

The organization selected to provide the services shall work with the Oahu Income Maintenance units, Oahu A+ programs, and Oahu providers in the DOH Inclusion program, along with DHS social workers and staff in the fingerprint units, to complete the required background checks for the individuals seeking to be approved child care providers in order to receive a DHS child care subsidy.

All equipment such as telephones, printers, copy machines, and computers compatible with DHS-BESSD requirements, and supplies to conduct the background checks, are provided by DHS. The organization selected to provide the services shall use its own resources from contract monies to produce the financial and program progress reports that need to be generated by this contract.

Staff costs shall include FTE salaries and fringe benefits attributable to the operation of this background check project. "Cost Principles" from the State Procurement Office (SPO) are to be used as a guide for projected expenses and are found on the SPO website at:

www.spo.hawaii.gov. These represent guidelines in determining which types of expenditures will be reimbursed, payment dollar limits, payment policy constraints, and reimbursements requiring verification and documentation.

When a disagreement between the contractor staff and DHS staff exists in regards to the performance of service activities within the contract specifications, the wishes of the Department contracting office staff shall prevail. Failure to comply on the part of the contractor shall be deemed cause for corrective action and is subject to contractual remedies.

3. Quality assurance and evaluation specifications

The organization selected to provide services shall be responsible for keeping comprehensive records of all expenditures, available for monitoring by DHS staff or designee. These records shall include, but are not limited to:

- a) Copies of approved purchase orders signed by the appropriate authority;
- b) Copies of invoices, packing slips, receipts, credit/debit memos and other vendor documents;
- c) Other appropriate internal accounting statements and reconciliation schedules.

The contract will be monitored by the Department in accordance with requirements set forth in Chapter 103F, Hawaii Revised Statutes. Contract monitoring may include site visits with comprehensive

evaluation of several areas of performance. These include review of conformance with standard contractual requirements; agency files such as personnel files, notes of staff meeting/minutes and training; documentation of service activities including collaboration with Oahu community agencies, and accounting practices. In addition, on-going contract monitoring shall include review of monthly and quarterly program progress reports as required by the Department, and periodic assessment of the program effectiveness. Evaluation will consist of comparing projected program objectives with outcome performance, and analyzing factors that produced those results. The applicant shall be responsible for keeping comprehensive program records, available for monitoring by DHS staff.

The organization selected to provide the services must maintain throughout the term of the contract a system of self-appraisal and program evaluation to determine the effectiveness of the activities provided in service delivery. The self-evaluation process must include tools or instruments used to identify program achievements and any necessary program corrective action based on the findings during the evaluation.

4. Output and performance/outcome measurements

Monthly reports shall focus on the description of the achievement level of the program goal and objective in Section I. B., and each service activity listed in Section III. of this RFP. These reports shall also include, by geographic fingerprint site, the following information:

- a. Number of appointments scheduled for fingerprinting.
- b. Number of individuals whose fingerprints were rolled/processed.
- c. Number of background check clearances completed.
- d. Number of background check completed within 30 days of referral.
- e. Number of “hits” referred to DHS social workers.
- f. Number of appeals of the “unsuitable” decision.

In addition, monthly reports shall discuss significant achievements of the program, problem areas and the corrective action taken, and any other pertinent additional comments. The final written summary report due no later than 45 days after the end of each fiscal year shall include:

- a) Cumulative data for the contract period.
- b) Summary description of goals and accomplishments achieved during the contract period.

- c) Summary description of problem areas addressed and corrective action during the contract period.
- d) Summary financial report of expenditures for this program.

5. Experience

The applicant shall demonstrate a thorough understanding of the purpose and scope of the service activity, as well as be able to demonstrate the necessary knowledge, skills, abilities, and experience relating to the delivery of the proposed services.

6. Coordination of services

Coordination and collaboration with the Oahu DHS Income Maintenance units, the DHS social workers, the DOE's Oahu A+ program, and the DOH Inclusion program will be necessary, as stated in Section III B.2. of this RFP.

7. Reporting requirements for program and fiscal data

The organization selected to provide the services shall submit monthly expenditure reports of the contract expenditures-to-date for the operation of the program that will serve as invoices for reimbursement. The form "Subgrantees' Invoice and Expenditure Report" shall be the official form used for the Subgrantee to request funds for the contract.

The organization selected to provide the services shall submit written quarterly program progress reports no later than thirty (30) days after the end of each calendar quarter, describing work accomplished, problems encountered and their resolution, and projections of activities for the next calendar quarter.

The organization selected to provide the services shall submit a final written summary report of the fiscal year activities no later than thirty (30) days after the end of the fourth calendar quarter. This report shall include cumulative data by geographic office location, and a narrative summarizing the success of project activities and recommendations to improve services for the next fiscal year.

8. Pricing structure or pricing methodology to be used

The cost reimbursement pricing structure will be used. It reflects a purchase arrangement in which the State pays the contractor for the budgeted costs that are actually incurred in delivering the services specified in the contract, up to the stated maximum obligation.

The budget amount for the operation of the services must not exceed the amount stated in the RFP. The SPO budget forms are to be used in preparing a proposal, and are available on the SPO website at: www.spo.hawaii.gov.

The applicant shall comply with the Chapter 103F, HRS Cost Principles for Purchase of Health and Human Services identified in SPO-H-201 (effective 10/1/98), which can be found in the POS Manual. Cost principles represent guidelines in determining which types of expenditures will be reimbursed, payment dollar limits, payment policy constraints, and requirements for verification and documentation. Allowable costs to operate the program are reimbursable on a monthly basis after services are rendered.

The applicant shall abide by all the Federal regulations as legislated by Public Law 101-508, Omnibus Budget Reconciliation Act of 1990. Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193, effective October 1, 1996, requires that any expenditure made or authorized by the offeror that is subsequently determined by the Federal government to be unallowable shall be repaid to the State or offset against any other funds to which the offeror may be entitled.

9. Units of service and unit rate

Not applicable.

IV. Facilities

The organization awarded the contract shall provide the child care background check services during State office hours, from 7:45 A.M. to 4:30 P.M., Monday through Friday, excluding State holidays, in facilities provided by and shared with DHS at the following Oahu Unit locations:

- *CCCH I, 677 Queen St., Rm. 400A, Honolulu
- *CCCH II, Waipahu Civic Center, 94-275 Mokuloa St., Rm. 203, Waipahu
- *Kailua FTW, 354 Uluniu St., Rm. 401, Kailua
- *Wahiawa FTW, 1008 California Ave., Bldg. B, Wahiawa
- *Waianae FTW, 601 Kamokila Blvd., Rm. 138, Kapolei

The organization selected for the award shall operate and maintain equipment and facilities in accordance with all Departmental policy and procedures.

Section 3

Proposal Application Instructions

Section 3

Proposal Application Instructions

General instructions for completing applications:

- *Proposal Applications shall be submitted to the state purchasing agency using the prescribed format outlined in this section.*
- *The numerical outline for the application, the titles/subtitles, and the applicant organization and RFP identification information on the top right hand corner of each page should be retained. The instructions for each section however may be omitted.*
- *Page numbering of the Proposal Application should be consecutive, beginning with page one and continuing through for each section. **See sample table of Contents***
- *Typewritten proposals on 8½ x 11 paper may be submitted in a three ring binder (Optional).*
- *Tabbing of sections (Recommended).*
- *Applicants must also include a Table of Contents with the Proposal Application. A sample format is reflected in Section 5, Attachment B of this RFP.*
- *A written response is required for **each** item unless indicated otherwise. Failure to answer any of the items will impact upon an applicant's score.*
- *Applicants are **strongly** encouraged to review evaluation criteria in Section 4, Proposal Evaluation when completing the proposal.*
- *This form (SPO-H-200A) is available on the SPO website (for the website address see the Proposal Application Checklist in Section 5, Attachments). However, the form will not include items specific to each RFP. If using the website form, the applicant must include all items listed in this section.*

The Proposal Application comprises the following sections:

- *Proposal Application Identification Form*
- *Table of Contents*
- *Program Overview*
- *Experience and Capability*
- *Project Organization and Staffing*
- *Service Delivery*
- *Financial*
- *Other*

I. Program Overview

Applicant shall give a brief overview to orient evaluators as to the program/services being offered. This section shall clearly and concisely summarize and highlight the contents of the proposal in such a way as to provide the State with a broad understanding of the entire proposal. Include a brief description of the applicants' organization, the goals and objectives related to the service activity, and how the proposed service is designed to meet the problem/need identified in the service specifications.

II. Experience and Capability

A. Necessary Skills

The applicant shall demonstrate that it has the necessary knowledge, skills, and abilities relating to the delivery of the proposed services.

B. Experience

The applicant shall provide a description of projects/contracts pertinent to the proposed services. The applicant shall include all available contact information for this listing which should include project/contract identifying information as well as names, titles, addresses, telephone numbers, e-mail addresses, etc., of those individuals the State can contact for verification purposes.

C. Quality Assurance and Evaluation

The applicant shall describe its own plans for quality assurance and evaluation for the proposed services, including methodology.

D. Coordination of Services

The applicant shall demonstrate the capability to coordinate services with other agencies and resources in the community.

E. Facilities

DHS will provide the facilities for delivery of services.

III. Project Organization and Staffing

A. Staffing

1. Proposed Staffing Pattern

The applicant shall describe the proposed staffing pattern, client/staff ratio and proposed caseload capacity appropriate for the viability of the

services. (Refer to the Personnel requirements in the Service Specifications, as applicable.)

2. Staff Qualifications

The applicant shall provide the minimum qualifications (including experience) for staff assigned to the program. (Refer to the qualifications in the Service Specifications, as applicable.)

B. Project Organization

1. Supervision and Training

The applicant shall describe its ability to supervise, train and provide administrative direction relative to the delivery of the proposed services.

2. Organization Chart(s)

The applicant shall reflect the position of each staff and line of responsibility/supervision (include position title, name and full time equivalency.) Both the “Organization-wide” and “Program” organization charts shall be attached to the Proposal Application.

IV. Service Delivery

The applicant shall include a detailed discussion of the applicant’s approach to applicable service activities and management requirements from Section 2, Item III. - Scope of Work, including (if indicated) a work plan of all service activities and tasks to be completed, related work assignments/responsibilities and timelines/schedules. This can include a daily, monthly, and annual calendar/schedule of activities.

Description of primary services/activities listed in Section II “Scope of Work” shall include, but are not limited to:

- A. Distribution of staff to deliver the required services;
- B. Accept referrals and manage fingerprinting procedures;
- C. Collaborate with DHS units, A+ programs and DOH Inclusion project;
- D. Input data into DHS electronic systems and interface with the DOE A+ electronic system;
- E. Complete criminal and child abuse background checks within 30 days after referrals, with feedback to the referral sources;
- F. Process individuals who have been denied approval and seek explanation;
- G. Establish file folders for individuals containing appropriate forms/findings;
- H. Maintain a statistical data system for reporting/accountability purposes;
- I. Conduct self-evaluation; and
- J. Complete and submit required program progress and financial reports.

V. Financial

A. Pricing Structure

Applicant shall submit a cost proposal utilizing the pricing structure designated by the state purchasing agency. The cost proposal shall be attached to the Proposal Application.

Pricing Structure Based on Cost Reimbursement

The cost reimbursement pricing structure reflects a purchase arrangement in which the State pays the contractor for budgeted costs that are actually incurred in delivering the services specified in the contract, up to a stated maximum obligation.

The following budget form(s) shall be submitted with the Proposal Application:

SPO-H-205	Budget
SPO-H-205A	Organization-Wide Budget by Source of Funds
SPO-H-205B	Organization-Wide Budget by Programs
SPO-H-206A	Budget Justification – Personnel: Salaries & Wages
SPO-H-206B	Budget Justification – Personnel: Payroll Taxes, Assessment & Fringe Benefits
SPO-H-206H	Budget Justification – Program Activities

All budget forms, instructions and samples are located on the SPO website (see the Proposal Application Checklist in Section 5 for website address). Special Instructions for Forms SPO-H-205A and SPO-H-205B are located in Section 5, Attachments.

B. Other Financial Related Materials

1. Accounting System

In order to determine the adequacy of the applicant's accounting system as described under the administrative rules, the following documents are requested as part of the POS Proposal Application (may be attached):

- a. The applicant is to submit the organization's most recent financial audit.
- b. The applicant is to submit a copy of the organization's financial policies that relate to the expenditure of funds for this project.

2. Tax Clearance Certificate (Form A-6)

An original or certified copy of a current, valid tax clearance certificate issued by the Hawaii State Department of Taxation (DOTAX) and the Internal Revenue Service (IRS) shall be submitted with the proposal by the due date and time. The two-part Tax Clearance Application (Form A-6) that combines DOTAX and IRS tax clearance shall be used for this purpose.

VI. Other

Litigation

The applicant shall disclose any pending litigation to which they are a party, including the disclosure of any outstanding judgment. If applicable, please explain.

Section 4

Proposal Evaluation

Section 4

Proposal Evaluation

I. Introduction

The evaluation of proposals received in response to the RFP will be conducted comprehensively, fairly and impartially. Structural, quantitative scoring techniques will be utilized to maximize the objectivity of the evaluation.

II. Evaluation Process

The procurement officer or an evaluation committee of designated reviewers selected by the head of the state purchasing agency or procurement officer shall review and evaluate proposals. When an evaluation committee is utilized, the committee will be comprised of individuals with experience in, knowledge of, and program responsibility for program service and financing.

The evaluation will be conducted in three phases as follows:

- Phase 1 - Evaluation of Proposal Requirements
- Phase 2 - Evaluation of POS Proposal Application
- Phase 3 - Recommendation for Award

Evaluation Categories and Threshold

Evaluation Categories

Possible Points

Administrative Requirements

Proposal Application

100 Points

Program Overview	0 points
Experience and Capability	20 points
Project Organization and Staffing	15 points
Service Delivery	55 points
Financial	10 Points

TOTAL POSSIBLE POINTS

100 Points

III. Evaluation Criteria

A. Phase 1 - Evaluation of Proposal Requirements

(1) Administrative Requirements

- Application Checklist
- Registration (if not pre-registered with the State Procurement Office)
- Tax Clearance Certificate

(2) POS Proposal Application Requirements

- POS Application Identification Form (Form SPO-H-200)
- Table of Contents
- Program Overview
- Experience and Capability
- Project Organization and Staffing
- Service Delivery
- Financial (All required forms and documents)
- Program Specific Requirements (as applicable)

B. Phase 2 - Evaluation of POS Proposal Application (100 Points)

Each section listed below shall be evaluated using the following criteria:

Weighted points (0-5) for each sub-area will be given. The sum of weighted points given by the evaluators in all areas of each section will be divided by the maximum weighted points that could be allotted for that area. This quotient will be multiplied by the points assigned to each area, which is noted in parenthesis. The product will be the score for that area.

1. Program Overview (0 Points)

- No points are assigned to Program Overview.
- The intent is to give the applicant an opportunity to orient evaluators as to the service(s) being offered.

2. Experience and Capability (20 Points)

The State will evaluate the applicant's experience and capability relevant to the proposal contract, which shall include:

- Demonstrated skills, abilities, knowledge of, and experience relating to the delivery of the proposed services.

- Sufficiency of quality assurance and evaluation plans for the proposed services, including methodology.
- Demonstrated capability to coordinate services with other agencies and resources in the community.

3. Project Organization and Staffing (15 Points)

The State will evaluate the applicant's overall staffing approach to the service that shall include:

- The proposed staffing pattern, client/staff ratio, and proposed caseload capacity is reasonable to insure viability of the services.
- Minimum qualifications (including experience) for staff assigned to the program.
- Demonstrated ability to supervise, train and provide administrative direction to staff relative to the delivery of the proposed services.
- Organization Chart(s). (Approach and rationale for the structure, functions, and staffing of the proposed organization for the overall service activity and tasks).

4. Service Delivery (55 Points)

Evaluation criteria for this section will assess the applicant's approach to the service activities and management requirements outlined in the POS Proposal Application.

- Extent to which the proposal clearly describes the overall program content and design.
- Extent to which the proposal describes management oversight of the project, including clarity of work assignments and responsibilities at the various sites.
- Extent to which the proposal describes program goals and objectives that are consistent with those identified in the RFP.
- Extent to which the proposal demonstrates flexibility in service delivery.
- Extent to which the proposal describes collaboration with other community resources.

-

5. Financial (10 Points)

Pricing structure based on cost reimbursement:

- Personnel costs are reasonable and comparable to positions in the community.
- Non-personnel costs are reasonable and adequately justified.
- The budget supports the scope of service and requirements of the Request for Proposal.
- Accounting system is adequate.
- Financial policies for the use of funds for this service is clearly presented.
- Tax Clearance Certificate (Form A-6) – An original or certified copy of a current, valid tax clearance certificate issued by the Hawaii State Department of Taxation (DOTAX) and the Internal Revenue Service (IRS).
- Most recent Audit Report

C. Phase 3 - Recommendation for Award

Each notice of award shall contain a statement of findings and decision for the award or non-award of the contract to each applicant.

Section 5

Attachments

Section 5

Attachments

<u>Attachment</u>	<u>Document</u>
A	Competitive Proposal Application Checklist
B	Sample Proposal Table of Contents
C	Special Instructions for Forms SPO-H-205A Organization-Wide Budget by Source of Funds and SPO-H-205B Organization-Wide Budget by Programs
D	Special Conditions

Attachment A

Competitive Proposal Application Checklist

Proposal Application Checklist

Applicant: _____

RFP No.: HMS 305-05-02-O _____

The applicant's proposal must contain the following components in the order shown below. This checklist must be signed, dated and returned to the state purchasing agency as part of the Proposal Application. *SPO-H forms are located on the web at <http://www.spo.hawaii.gov> Click *Procurement of Health and Human Services* and *For Private Providers*.*

Item	Reference in RFP	Format/Instructions Provided	Required by Purchasing Agency	Completed by Applicant
General:				
Proposal Application Identification Form (SPO-H-200)	Section 1, RFP	SPO Website*	X	
Proposal Application Checklist	Section 1, RFP	Attachment A	X	
Table of Contents	Section 5, RFP	Section 5, RFP	X	
Proposal Application (SPO-H-200A)	Section 3, RFP	SPO Website*	X	
Registration Form (SPO-H-100A)	Section 1, RFP	SPO Website*	(Required if not Registered)	
Tax Clearance Certificate (Form A-6)	Section 1, RFP	Dept. of Taxation Website (Link on SPO website)*	X	
Cost Proposal (Budget)				
SPO-H-205	Section 3, RFP	SPO Website*	X	
SPO-H-205A	Section 3, RFP	SPO Website* Special Instructions as applicable, Section 5	X	
SPO-H-205B	Section 3, RFP,	SPO Website* Special Instructions, Section 5	X	
SPO-H-206A	Section 3, RFP	SPO Website*	X	
SPO-H-206B	Section 3, RFP	SPO Website*	X	
SPO-H-206C	Section 3, RFP	SPO Website*		
SPO-H-206D	Section 3, RFP	SPO Website*		
SPO-H-206E	Section 3, RFP	SPO Website*		
SPO-H-206F	Section 3, RFP	SPO Website*		
SPO-H-206G	Section 3, RFP	SPO Website*		
SPO-H-206H	Section 3, RFP	SPO Website*	X	
SPO-H-206I	Section 3, RFP	SPO Website*		
SPO-H-206J	Section 3, RFP	SPO Website*		
Certifications:				
Federal Certifications				
Debarment & Suspension		Section 5, RFP		
Drug Free Workplace		Section 5, RFP		
Lobbying		Section 5, RFP		
Program Fraud Civil Remedies Act		Section 5, RFP		
Environmental Tobacco Smoke		Section 5, RFP		
Program Specific Requirements:				
Organization Chart	Section 3, RFP	POS Manual	X	
Audit Report (Most Recent)	Section 3, RFP	POS Manual	X	

 Authorized Signature

 Date

Attachment B

Sample Proposal Table of Contents

Proposal Application Table of Contents

I.	Program Overview.....	1
II.	Experience and Capability	1
A.	Necessary Skills	2
B.	Experience.....	4
C.	Quality Assurance and Evaluation.....	5
D.	Coordination of Services.....	6
E.	Facilities.....	6
III.	Project Organization and Staffing	7
A.	Staffing.....	7
	1. Proposed Staffing.....	7
	2. Staff Qualifications	9
B.	Project Organization	10
	1. Supervision and Training.....	10
	2. Organization Chart (Program & Organization-wide) (See Attachments for Organization Charts)	
IV.	Service Delivery.....	12
V.	Financial.....	20
	See Attachments for Cost Proposal	
VI.	Litigation.....	20
VII.	Attachments	
A.	Cost Proposal	
	SPO-H-205 Proposal Budget	
	SPO-H-206A Budget Justification - Personnel: Salaries & Wages	
	SPO-H-206B Budget Justification - Personnel: Payroll Taxes and Assessments, and Fringe Benefits	
	SPO-H-206C Budget Justification - Travel: Interisland	
	SPO-H-206E Budget Justification - Contractual Services – Administrative	
B.	Other Financial Related Materials	
	Financial Audit for fiscal year ended June 30, 1994	
C.	Organization Chart	
	Program	
	Organization-wide	
D.	Performance and Output Measurement Tables	
	Table A	
	Table B	
	Table C	
E.	Program Specific Requirements	

Attachment C

Special Instructions

Form SPO-H-205A Organization-Wide Budget by Source of Funds Form SPO-H-205B Organization-Wide Budget by Programs

These forms are required. All budget forms, instructions and samples are located on the SPO website at <http://www.spo.hawaii.gov>.

Attachment D

Special Conditions

Special Conditions

1. Time of Performance

- a. The PROVIDER shall provide the services required under this Agreement for a period of one year, from August 1, 2005, to and including June 30, 2006, unless otherwise terminated.
- b. The State, at its option, may extend this Agreement in writing, for four (4) additional twelve month period, not to exceed a total of forty-eight (48) months of services ending on June 30, 2010, subject to appropriation and availability of funds, the State's determination of satisfactory provider performance and community need, or unless this Agreement is sooner terminated as hereinafter provided.

2. Confidentiality

- a. The PROVIDER shall keep records to document information acquired about the recipients or given or made available by the recipients served under this Agreement. All such information shall be considered confidential and shall not be disclosed by the PROVIDER except as otherwise allowed by Hawai'i Revised Statute §346-10, and Hawai'i Administrative Rules §17-601, and only after prior written notification to DHS.

3. Interpreter Services

- a. The PROVIDER shall utilize the interpreter services contracted by the Department.

4. Liability Insurance

Notwithstanding the "General Conditions" for all 103F-procured contracts, where section 1.4 addresses the liability insurance in a combined amount of at least ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00), the Department of Human Services requires that the PROVIDER obtain, maintain, and keep in force throughout the period of this Agreement liability insurance (the "Liability Insurance") issued by an insurance company in a combined amount of at least TWO MILLION AND NO/100 DOLLARS (\$2,000,000.00), or such lesser amount requested in writing by the PROVIDER, and, for good cause shown, approved by the head of the purchasing agency, which approval, if any, is incorporated herein by reference, for bodily injury and property damage liability arising out of each occurrence. The Liability Insurance shall provide that it is the primary insurance for the State of Hawai'i, the purchasing agency, and their

officers, employees, and agents from any liability arising out of or resulting from occurrences connected with the PROVIDER'S performance under the Agreement. Prior to or upon execution of the Agreement, the PROVIDER shall obtain a certificate of insurance verifying the existence of the necessary liability insurance coverage, including the coverage of the State of Hawai'i, and its officers, employees, and agents. If the scheduled expiration date of the liability insurance policy is earlier than the expiration date of the time of performance under the Agreement, the PROVIDER, upon renewal of the policy, shall promptly cause to be provided to the State of Hawaii an updated certificate of insurance. The certificates of insurance shall expressly provide that the insurance policy shall not be cancelled unless the insurance company has first given to the State of Hawaii thirty (30) calendar days' written notice of the intended cancellation.

5. Use and Occupancy of State Owned or Leased Building or Space.

For the duration of this AGREEMENT, unless notified otherwise, PROVIDER shall provide the services described in the SCOPE OF SERVICES from a location designated as a portion of the following sites: 1) Room 400A on the 4th floor of the Pohulani Elderly Housing Project located at 677 Queen Street., Honolulu, Hawaii; 2) Room 203 of the Waipahu Civic Center located at 94-275 Mokuola Street, Waipahu, Hawaii; 3) Building B of 1008 California Avenue, Wahiawa, Hawaii; 4) Room 138 located at 601 Kamokila Boulevard., Kapolei, Hawaii; and Room 401 located at 354 Uluniu Street, Kailua, Hawaii, subject to the following conditions:

- a. The Department shall have the exclusive right to designate the areas in Pohulani Elderly Housing Project, Waipahu Civic Center, 1008 California Avenue, 601 Kamokila Boulevard, and 354 Uluniu Street to be set aside for the PROVIDER. The Department may in its sole discretion and at any time increase or decrease the area or relocate the PROVIDER to a different location.
- b. The PROVIDER's right to use the designated area is primary but not exclusive.
- c. The PROVIDER shall comply with all general rules and regulations concerning the use and occupancy of the Building notwithstanding any provisions in the AGREEMENT to the contrary. These general rules include, for example, use of common areas, hours of operations, State holidays, security measures, and all pertinent fire and building codes.
- d. The Department may notify the PROVIDER in writing of its intent to withdraw the area. The PROVIDER must vacate the area within 30 business days following the receipt of the notice. The Department may withdraw the area for any reason, at any time during the duration of the AGREEMENT, and for the Department's sole convenience.

- e. At this time, the Department is not providing any parking stalls for the PROVIDER. Should parking space become available, the Department may offer PROVIDER the use of available parking spaces. Any stalls that become available and are used by the PROVIDER are unreserved, and PROVIDER shall pay to the Department of Accounting and General Services, Automotive Management Division, State of Hawaii, \$10 more per stall per month than the prevailing rate for State employee parking. Parking shall be made available for the PROVIDER's clients on the same basis as parking is made available to the general public.
- f. Charges and other Cost: The Department shall not charge the PROVIDER for the use of the designated portions of the areas at the locations listed above. The following categories of expenses are allocated as follows:
 - i. Utilities. The Department is responsible for expenses for normal utility usage including telephone services during the business hours.
 - ii PROVIDER must follow the guidelines utilizing the appropriate departmental forms when purchasing office supplies, equipment or furniture valued at \$250.00 or more. This procedure will be incorporated into the completed contract.
- g. Without limiting the PROVIDER's obligations under paragraph 7 of the General Conditions, entitled Indemnification and Defense, the PROVIDER hereby specifically agrees to indemnify the Department against any claim and to reimburse the Department for any damage or property loss caused by the PROVIDER or its clients as a result of operating from the designated areas.
- h. The PROVIDER assumes full responsibility for all personal property of the PROVIDER, its employees, or clients of the PROVIDER brought onto the designated areas, and the Department shall not be liable for any damage done to or loss of such personal property caused by any co-tenant, visitor, or occupant at the locations listed above.
- i. The Department shall not be held liable or responsible for any loss suffered or damage to the PROVIDER's business or for any personal injury suffered by the PROVIDER's employee or PROVIDER's clients caused by any co-tenant, visitor, or occupant at the locations listed above.